

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

TINA LEE FLOWERS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:23cv652-MHT
)	(WO)
TBS FACTORING SERVICES,)	
LLC,)	
)	
Defendant.)	

ORDER

During the court's review of the record, the court noticed that multiple orders mailed to the plaintiff were returned by the post office as undeliverable. It appears that the address the plaintiff provided in her initial complaint had a typo in the zip code, 36970. See Complaint (Doc. 1) at 1. In her amended complaint, she provided the same address but with a revised zip code, 36079, which the court confirmed is the correct zip code for the town where she lives. See Amended Complaint (Doc. 14) at 1. This update to the address, which was not highlighted, was overlooked by the

clerk's office, so the clerk's office continued to serve the plaintiff at the wrong address. There is some indication in the record that the plaintiff has contacted the clerk's office for status updates about her case from time to time. See, e.g., Motion for an Extension of Time (Doc. 25). However, the court is unsure whether the plaintiff received orders including one granting her motion for extension of time and the recommendation of the United States Magistrate Judge that the motion to dismiss be granted. Thus, the court is unsure whether the plaintiff has had an adequate opportunity to participate in the litigation. To avoid any potential prejudice to the plaintiff, the court finds that it would make sense to start over on the motion to dismiss.

Accordingly, it is ORDERED that:

(1) The motion to dismiss (Doc. 20) is denied with leave to renew.

(2) The report and recommendation (Doc. 31) of the United States Magistrate Judge is withdrawn.

(3) The clerk's office shall correct the address of the plaintiff in the docketing system. See Amended Complaint (Doc. 14) at 1.

DONE, this the 24th day of September, 2024.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE